

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL DOCKET NO.: 5:03CR29-V**

UNITED STATES OF AMERICA)
vs.)
LEBERT GEORGE HINDS,)
Defendant.)

ORDER

THIS MATTER is before the Court upon Defendant's Application To Proceed Without Prepayment Of Fees And Affidavit and *Pro Se* Motion For Sentencing Transcripts.
(Document #30)

After Defendant obtained relief pursuant to 28 U.S.C. §2255, an Amended Judgment was prepared for purposes of allowing Defendant an opportunity for direct appeal of his conviction and sentence. (Document #32) (See Civil Docket No.: 5:05CV232-V)

Consistent with this Court's directive, a notice of appeal was entered by the Clerk on Defendant's behalf. (Defendant had already been deemed indigent by this Court.) The Fourth Circuit recently appointed appellate counsel, Attorney Matthew Victor. The docket also reflects that the transcripts Defendant sought in his *pro se* motion have since been prepared and filed with the Court. Appellate counsel should have copies of all of these transcripts. At present, Defendant's appeal is currently pending before the Fourth Circuit.

IT IS, THEREFORE, ORDERED THAT:

- 1) Defendant's motions are hereby **DENIED as moot**;
- 2) The Deputy Clerk is directed to forward a copy of this Order to the Defendant, Defendant's Appellate Counsel, and the U.S. Attorney's Office.

Signed: February 2, 2006



Richard L. Voorhees
Chief United States District Judge



Signed: October 17, 2005



Richard L. Voorhees
United States District Judge

